

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

FILED BY *LSM* D.C.
05 AUG 23 PM 4:03

CHARLES HENDERSON,

Plaintiff,

vs.

Civil Action No. 03-2162 D

**SOUTHWEST TENNESSEE
COMMUNITY COLLEGE,**

Defendant.

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, MEMPHIS

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CLERK, U.S. DISTRICT COURT
W.D. OF TN, MEMPHIS

FILED BY *[Signature]* D.C.
05 AUG 24 AM 7:00

**MOTION FOR JUDICIAL SETTLEMENT CONFERENCE
AND FOR ORDER STAYING CASE PENDING
JUDICIAL SETTLEMENT CONFERENCE**

Comes now the Plaintiff, Charles Henderson, by and through his counsel, Kathleen L. Caldwell, and hereby moves the Court for an order allowing a Judicial Settlement Conference, and for an order Staying the Case Pending said Settlement Conference, and in support Plaintiff states as follows:

1. That the parties have heretofore engaged in private mediation, which was not successful. A private mediator, Allen S. Blair, was retained, and the parties participated in a full day-long mediation. The mediation was wholly unsuccessful.

2. The parties hereafter have participated in numerous depositions, and the case is nearly ready for trial.

MOTION GRANTED

DATE: August 23, 2005

[Signature]
**BERNICE BOUIE DONALD
U.S. DISTRICT JUDGE**

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on *[Signature]*

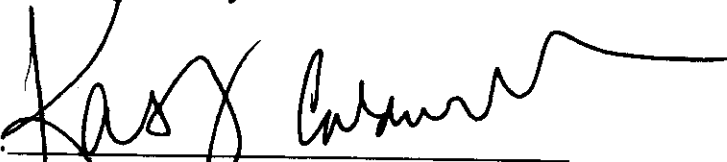
3. Defendant has filed a Motion for Summary Judgment, and Plaintiff's response is due August 23, 2005.

4. The attorneys for the respective parties have consulted, and there are significant reasons why a Settlement Conference at this point and time may succeed where the prior mediation failed. Plaintiff has applied for a promotion to another position, and there appears to be interests on the part of both parties to compromise and settle. However, it is sorely needed that a mediator or Magistrate Judge conduct a Settlement Conference in order to guide the parties. The State opposes further private mediation for financial reasons, and the Plaintiff wholly concurs in that position. Both parties have had significant mediation expenses heretofore.

Therefore, Plaintiff urges the Court to enter an order referring this matter to the Magistrate Judge for Judicial Settlement Conference. In addition, it is in the best interests of the parties that said Settlement Conference be conducted before the Court rules on the Motion for Summary Judgment. The Plaintiff requests at this time at least thirty (30) additional days in order to respond to said pending motion. Defendant will seek leave of Court to make a reply to Plaintiff's response. All of those efforts should be held in abeyance, pending said Judicial Settlement Conference. This is in the best interest of judicial economy as well as economy of the parties and their respective counsel.

The Plaintiff urges the Court to grant the relief sought herein, the effect of which will be to continue the trial now set for November 14, 2005. It is impossible to conclude all of this work by said date.

Respectfully Submitted

By: 

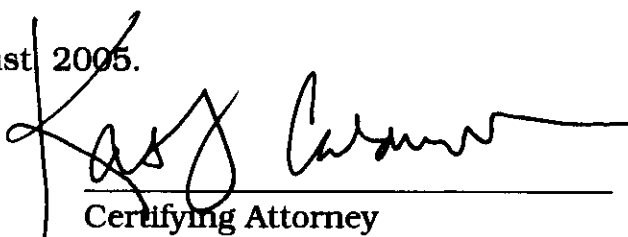
Kathleen L. Caldwell, #9916
2080 Peabody Avenue
Memphis, TN 38104
Telephone: (901) 274-2075
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **Motion for Judicial Settlement Conference and for Order Staying Case Pending Judicial Settlement Conference** has been served by US Mail, postage paid, to the following:

**Zachary S. Griffith
Assistant Attorney General
Office of the Attorney General
Civil Litigation & State Services Division
P.O. Box 20207
Nashville, TN 37202**

This the 23rd day of August 2005.


Certifying Attorney



Notice of Distribution

This notice confirms a copy of the document docketed as number 48 in case 2:03-CV-02162 was distributed by fax, mail, or direct printing on August 26, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT